

IN THE UNITED STATES DISTRICT COURT  
FOR THE WESTERN DISTRICT OF TEXAS  
EL PASO DIVISION

FILED

2011 AUG 24 PM 3:46

UNITED STATES OF AMERICA,

Plaintiff,

v.

EDGAR AARON ACOSTA(1),  
a.k.a. Mata, a.k.a. Tono,  
VENTURA PEREZ (2),  
a.k.a. Guerito, a.k.a. El Menonite,  
a.k.a. Flaco,  
SAMUEL GOMEZ (3),  
a.k.a. Melo,  
JOSE REFUGIO GONZALEZ (4),  
aka Cacheton,  
ALEX DRURY (6),  
JOEL LUNA (7),  
ERNESTO HINOJOS (8),  
aka Martian,  
OSCAR CARRASCO (9),  
JAVIER GOMEZ (10), and  
PABLO GOMEZ (11)

Defendants.

CRIMINAL NO. EP-11-CR-365-DB

**SECOND SUPERSEDING**  
**INDICTMENT**

§ CT 1: 21:846 & 841(a)(1)-Conspiracy to  
§ Possess a Controlled Substance with  
§ Intent to Distribute;  
§ CT 2: 21:841(a)(1) & 18:2-Possession with  
§ Intent to Distribute a Controlled Substance and  
§ Aiding and Abetting;  
§ CT 3: 21:841(a)(1) & 18:2-Possession with  
§ Intent to Distribute a Controlled Substance and  
§ Aiding and Abetting  
§ CT 4: 21:841(a)(1) & 18:2- Possession with  
§ Intent to Distribute a Controlled Substance and  
§ Aiding & Abetting;  
§ CT 5: :846 & 841(a)(1)-Conspiracy to  
§ Possess a Controlled Substance with  
§ Intent to Distribute  
§ CT 6: 21:841(a)(1) & 18:2-Possession with  
§ Intent to Distribute a Controlled Substance and  
§ Aiding and Abetting  
§ CT 7: 21:841(a)(1) & 18:2-Possession with  
§ Intent to Distribute a Controlled Substance and  
§ Aiding and Abetting

§ Government's Notice of Demand for Forfeiture  
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THE GRAND JURY CHARGES:

**COUNT ONE**

(21 U.S.C. §§ 846, 841(a)(1) & (b)(1)(A)(vii))

That beginning in or about January 2007 and continuing to on or about the date of the return  
of this Second Superseding Indictment, in the Western District of Texas, and elsewhere, Defendants,

**EDGAR AARON ACOSTA, a.k.a. Mata, a.k.a. Tono,  
VENTURA PEREZ, a.k.a. Guerito, a.k.a. El Menonite, a.k.a. Flaco,  
SAMUEL GOMEZ, a.k.a. Melo,  
JOSE REFUGIO GONZALEZ, aka Cacheton,  
ALEX DRURY,  
JOEL LUNA,  
ERNESTO HINOJOS, aka Martian,  
OSCAR CARRASCO, and  
JAVIER GOMEZ**

knowingly, intentionally, and unlawfully conspired, combined, confederated, and agreed together, and with each other, and with others to the Grand Jury unknown, to commit offenses against the United States, in violation of Title 21, United States Code, Section 846, that is to say, they conspired to possess a controlled substance, which offense involved 1000 kilograms or more of a mixture or substance containing a detectable amount of marijuana, a Schedule I Controlled Substance, with intent to distribute same, contrary to Title 21, United States Code, Section 846, 841(a), and 841(b)(1)(A)(vii).

**COUNT TWO**

(21 U.S.C. §§ 841(a)(1), (b)(1)(A)(vii) & 18 U.S.C. § 2)

That beginning in or about January 2007 and continuing through on or about February 1, 2007, in the Western District of Texas, and elsewhere, Defendant,

**JAVIER GOMEZ**

and others known and unknown to the Grand Jury, did knowingly and intentionally possess with intent to distribute a controlled substance, and aided and abetted the knowing and intentional possession with intent to distribute a controlled substance, which offense involved 1000 kilograms or more of a mixture or substance containing a detectable amount of marijuana, a Schedule 1 Controlled Substance, in violation of Title 21, United States Code, Sections 841(a)(1),

841(b)(1)(A)(vii) and Title 18, United States Code, Section 2.

**COUNT THREE**

(21 U.S.C. §§ 841(a)(1), 841(b)(1)(B)(vii)& 18 U.S.C. § 2)

That beginning on or about September 1, 2010 and continuing through on or about September 5, 2010, in the Western District of Texas, and elsewhere, Defendants,

**EDGAR AARON ACOSTA, a.k.a. Mata, a.k.a. Tono,  
VENTURA PEREZ, a.k.a. Guerito, a.k.a. El Menonite, a.k.a. Flaco,  
SAMUEL GOMEZ, a.k.a. Melo,  
JOSE REFUGIO GONZALEZ, aka Cacheton**

knowingly and intentionally possessed with intent to distribute a controlled substance, and aided and abetted the knowing and intentional possession with intent to distribute a controlled substance, which offense involved 100 kilograms or more of a mixture or substance containing a detectable amount of marijuana, a Schedule 1 Controlled Substance, in violation of Title 21, United States Code, Sections 841(a)(1), 841(b)(1)(B)(vii) and Title 18 United States Code, Section 2.

**COUNT FOUR**

(21 U.S.C. §§ 841(a)(1),(b)(1)(A)(vii) 18 U.S.C. § 2)

That beginning in or about October 2010 and continuing through on or about November 13, 2010 in the Western District of Texas and elsewhere, Defendants,

**EDGAR AARON ACOSTA, a.k.a. Mata, a.k.a. Tono,  
VENTURA PEREZ, a.k.a. Guerito, a.k.a. El Menonite, a.k.a. Flaco,  
SAMUEL GOMEZ, a.k.a. Melo,  
ALEX DRURY,  
JOEL LUNA,  
ERNESTO HINOJOS, aka Martian, and  
OSCAR CARRASCO**

and others known and unknown to the Grand Jury, did knowingly and intentionally possess with intent to distribute a controlled substance, and aided and abetted the knowing and intentional

possession with intent to distribute a controlled substance, which offense involved 1000 kilograms or more of a mixture or substance containing a detectable amount of marijuana, a Schedule I Controlled Substance, in violation of Title 21, United States Code, Sections 841(a)(1), 841(b)(1)(A)(vii) and Title 18, United States Code, Section 2.

**COUNT FIVE**

(21 U.S.C. §§ 846, 841(a)(1), (b)(1)(A)(ii))

That beginning in or about January 2007 and continuing to on or about the date of the return of this Second Superseding Indictment, in the Western District of Texas, and elsewhere, Defendants,

**SAMUEL GOMEZ, a.k.a. Melo,  
ALEX DRURY,  
ERNESTO HINOJOS, aka Martian,  
JAVIER GOMEZ, and  
PABLO GOMEZ**

knowingly, intentionally, and unlawfully conspired, combined, confederated, and agreed together, and with each other, and with others to the Grand Jury unknown, to commit offenses against the United States, in violation of Title 21, United States Code, Section 846, that is to say, they conspired to possess a controlled substance, which offense involved five kilograms or more of a mixture or substance containing a detectable amount of cocaine, a Schedule II Controlled Substance, with intent to distribute same, contrary to Title 21, United States Code, Sections 841(a)(1) and 841(b)(1)(A)(ii).

**COUNT SIX**

(21 U.S.C. § 841(a)(1),(b)(1)(A)(ii) & 18 U.S.C. § 2)

That beginning in or about January 2007 and continuing through February 1, 2007, in the Western District of Texas, elsewhere, Defendant,

**JAVIER GOMEZ**

and others known and unknown to the Grand Jury, did knowingly and intentionally possess with intent to distribute a controlled substance, and aided and abetted the knowing and intentional possession with intent to distribute a controlled substance, which offense involved five kilograms or more of a mixture or substance containing a detectable amount of cocaine, a Schedule II Controlled Substance, in violation of Title 21, United States Code, Sections 841(a)(1), 841(b)(1)(A)(ii), and Title 18, United States Code, Section 2.

**COUNT SEVEN**

(21 U.S.C. § 841(a)(1),(b)(1)(A)(ii) & 18 U.S.C. § 2)

That in or around October 2010, in the Western District of Texas, and elsewhere, Defendants,

**SAMUEL GOMEZ, a.k.a. Melo,  
ALEX DRURY,  
ERNESTO HINOJOS, aka Martian,  
JAVIER GOMEZ, and  
PABLO GOMEZ**

and others known and unknown to the Grand Jury, did knowingly and intentionally possess with intent to distribute a controlled substance, and aided and abetted the knowing and intentional possession with intent to distribute a controlled substance, which offense involved five kilograms or more of a mixture or substance containing a detectable amount of cocaine, a Schedule II Controlled Substance, in violation of Title 21, United States Code, Sections 841(a)(1), 841(b)(1)(A)(ii), and Title 18, United States Code, Section 2.

**NOTICE OF GOVERNMENT'S DEMAND FOR FORFEITURE**

21 U.S.C. § 853

As a result of committing one or more of the controlled substances offenses alleged in Counts One through Six of this Second Superseding Indictment, Defendants,

**EDGAR AARON ACOSTA, a.k.a. Mata, a.k.a. Tono,  
VENTURA PEREZ, a.k.a. Guerito, a.k.a. El Menonite, a.k.a. Flaco,  
SAMUEL GOMEZ, a.k.a. Melo,  
JOSE REFUGIO GONZALEZ, aka Cacheton,  
ALEX DRURY,  
JOEL LUNA,  
ERNESTO HINOJOS, aka Martian,  
OSCAR CARRASCO,  
JAVIER GOMEZ, and  
PABLO GOMEZ**

shall forfeit to the United States any property constituting, or derived from, any proceeds that said defendants obtained directly or indirectly as a result of said violations, and any and all property used or intended to be used, in any manner or part, to commit, or to facilitate the commission of, such violations, including but not limited to a sum of money equal to the amount of proceeds generated by the offenses, for which the defendants are jointly and severally liable.

**SUBSTITUTE ASSETS**

If any of the above-described forfeitable property, as a result of any act or omission of the defendants:

- a. cannot be located upon the exercise of due diligence;
- b. has been transferred or sold to, or deposited with, a third person;
- c. has been placed beyond the jurisdiction of the Court;
- d. has been substantially diminished in value; or

e. has been commingled with other property which cannot be subdivided without difficulty.

it is the intent of the United States, pursuant to 21 U.S.C. § 853(p), to seek forfeiture of any other property of said defendants up to the value of the above forfeitable property.

A TRUE BILL.

ORIGINAL SIGNATURE  
REDACTED PURSUANT TO  
E-GOVERNMENT ACT OF 2002  
FOREPERSON OF THE GRAND JURY

JOHN E. MURPHY  
UNITED STATES ATTORNEY

BY:

  
Assistant U.S. Attorney